

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Call Common Council Meeting to Order  
Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance  
The Pledge of Allegiance was recited.

Roll Call for the January 18, 2010 Common Council meeting:

Present

Mayor Ed McAleer  
Jeff Krickhahn, Ald.  
Beth Leonard, Ald.  
Michele DeYoe, Ald.  
Gerald MacDougall, Ald.  
Lynn Morrison, Ald.  
Tim Aicher, Ald.  
Tim Schuenke, Administrator  
Gina C. Gresch, Clerk-Treasurer

Absent

Erv Sadowski, Ald.

Items listed under the Consent Agenda are considered in one motion unless a Common Council Member requests that an item be removed from the Consent Agenda.

1. Approve minutes of January 4, 2010 Common Council meeting.

**B. LEONARD MOVED TO APPROVE THE JANUARY 4, 2010 COMMON COUNCIL MEETING MINUTES AS PRESENTED. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. City of Delafield Citizen's Comments for items not on the agenda.

**Jackie Valde, 816 Mill Street**, dropped off a letter signed by the Mill Street residents and expressed gratitude for the Common Council and their hard work. She stated the letter points out some concerns about how the rezoning would affect their neighborhood.

City of Delafield Citizen's Comments for items on the agenda.

**G. MACDOUGALL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:02 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda
  - a. Accounts Receivable Interest Write-Offs.

G. Gresch stated the Accounts Receivable interest write-offs are for customers who have either paid the principal within a few days of assessing penalties, or who have amounts that are below the cost-effectiveness of pursuing. The total amount to write off is \$26.

**L. MORRISON MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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4. Committee Reports - Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.

a. Nicholas Maurice, Fort Atkinson, Pizza Hut

b. Kristopher Jacob, Waukesha, Delafield Brewhaus

G. Gresch stated all bartenders passed their background check.

**J. KRICKHAHN MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. Plan Commission – (Minutes of January 13, 2010) –

M. DeYoe stated the Plan Commission had a special meeting to discuss the proposed zoning changes. Due to the complexity and detail to review, these items will be on the February 1, 2010 Common Council agenda. The special meeting went well and had a good turnout. B. Leonard asked when the meeting will be replayed on Channel 25. G. Gresch stated there are issues with Channel 25 that are taking time to fix. She will email the Common Council when the meetings will be replayed.

c. Lake Welfare Committee – (Minutes of January 13, 2010)

L. Morrison stated the Lake Welfare Committee has been keeping an eye on the DNR's new pier regulations, which keep changing. This item will be on each Lake Welfare Committee agenda so the committee can follow the changes. The Committee also discussed buoy placement related to the Chapter 30 Permit. The DNR did not approve the new locations before they were placed back in the lake. DPW Director Tom Hafner is watching this. Also, Ken Weidemeyer has been on the Lake Welfare Committee for 20 years and he resigned at the last meeting. She thanked him for his service. The Dredging Plan B Committee meeting is Thursday, January 21, 2010 at 7:00 p.m. at the Public Safety Building in the Training Room.

d. Park and Recreation Commission

There was nothing to report at this time. The next Park and Recreation Commission meeting will be held on January 25, 2010 at 7:00 P.M.

e. Public Works Committee – (Minutes of January 6, 2010)

G. MacDougall stated the Golf Road property owners will be having a public meeting on January 20 at the Holiday Inn Express. The 83/94 business owners will also be having a meeting on January 27 at 8:00 a.m. also at the Holiday Inn Express. He asked that those dates be on the City's website. He stated a consultant will make a presentation at both meetings. The Committee also discussed the 2010 Street Improvement Plan. He reviewed the streets that will be affected. The earliest chance to complete the project is spring.

f. Del-Hart Commission

There was nothing to report at this time. The next Del-Hart Commission meeting will be held on January 19, 2010 at 7:00 P.M.

g. Police Commission

There was nothing to report at this time.

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h. Library Board – (Minutes of January 12, 2010)

J. Krickhahn stated for the first time in a long time, circulation is down, about 17%, probably due to moving and being closed for a week. There are some growing pains and patrons are having a hard time finding the Library. He complimented the staff on an excellent job moving the Library. The next Library Board meeting will be held on February 16, 2010 at 7:00 P.M.

i. Board of Zoning – (Minutes of January 14, 2010)

G. MacDougall stated Case 764 – Appeal of David Allison (owner) and Anthony Federspill (agent) to build a single family home at 2450 Woodland Park Dr, DELC 0751.073, relating to Section 17.39(9)(n) pertaining to minimum open space requirements, Section 17.39(9)(m) pertaining to floor area ratio requirements and Section 17.39(9)(f) pertaining to minimum front street setback requirements was granted. The next Board of Zoning meeting will be held on January 28, 2010 at 7:30 P.M.

j. Promotional and Tourism Committee – (Minutes of January 5, 2010)

L. Morrison stated the Committee is working on the 2010 marketing plan with O'Creative and will have it laid out by the next meeting. Also, they had a request from the City to replace the street light banners. They are working on a new design. The Chamber has two events coming up: The Pink Tie Gala on January 23, 2010 which is a Breast Cancer benefit at the Delafield Hotel and the Lake Country Community Fest on March 27, 2010 at Kettle Moraine High School. This is an opportunity for businesses to promote themselves. Contact the Chamber for a booth.

k. Lake Country Fire Commission

There was nothing to report at this time.

l. Lake Country Fire Board – (Minutes of December 17 and 28, 2009)

G. MacDougall stated the Friends of Nashotah Fire Department donated \$11,000 to the Lake Country Fire & Rescue Department. Also, they have a Wild Game Dinner Fundraiser each March. Proceeds are donated to organizations within a 10 mile radius. The LCFB elected officers to a second term. Sandy Rosch is the new Secretary/Treasurer. He thanked the retired Secretary/Treasurer, Eileen Stefanski, for her time served. They also discussed the Employee Lease Agreement and that it will not affect their status with Employee Trust Funds. The Department is still waiting for Social Security Administration (SSA) approval. Once approval is obtained, the Lake Country Fire & Rescue Department can join the Wisconsin Retirement System (WRS).

5. Unfinished Business

a. LOMR Update.

T. Schuenke stated we are at a cross-road with the DNR. Engineer Mike Court is confident we will have answer within the next two weeks. Yaggy Colby will be at the next Common Council meeting to give a full update.

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- b. Discussion and action to adopt City of Delafield Special Assessment Policy.

T. Schuenke re-wrote the entire policy, cleaned it up, removed redundancies and added parts to it. While working on the policy, he has found what the problem was with the STH 83 Special Assessments. The City never made a final determination that they were going to special assess. The City needs to be very clear when special assessing, that everyone that benefits will be assessed. Also, the final special assessment resolution was never adopted for that project. The construction was started and completed before the City even determined it was going to special assesses those properties. If the improvement passes your property, your property still benefits from it. Even if property owners don't want the improvement the City is special assessing for, they still have to pay for it. Property owners have an option to defer the payment, however by doing that it places a lien against their property so they are obligated to pay it.

If the City wasn't going to special assess for that project, and then a Developers Agreement should have been created. Before the City undertakes a project, it should be decided how it's going to be paid for; either by Developers Agreement, TIF, Special Assessment or a combination of those options. He and Attorney Hammes recommend the City pass the final resolution before any work on a project is started. T. Schuenke stated this is only a policy and it can be changed.

B. Leonard asked how money will be budgeted for a project. The budgeted money usually drives a project. T. Schuenke stated the project can be added to the capital budget as a placeholder. If the Common Council doesn't want to do the project, then they don't have to borrow money for it. T. Aicher stated the narrative is very helpful and he has some edits. There was discussion about changing verbiage from "properties" to "benefited properties".

**T. AICHER MOVED TO AMEND THE SPECIAL ASSESSMENT POLICY TO CHANGE VERBIAGE ON PAGE 4, ITEM 6, FROM "PUBLIC ONLY" TO "PUBLIC AND BENEFITED PROPERTY OWNERS". M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

T. Aicher asked if any of the formulas were changed. T. Schuenke stated no. B. Leonard asked about assessing for resurfacing of streets. T. Schuenke stated the City does not special assess street resurfacing and clarified that in the policy. B. Leonard asked if transportation improvement districts should be included. T. Schuenke stated yes, there is verbiage in the policy for transportation improvement districts. B. Leonard asked about deferring the sanitary sewer special assessment date and if the State Statute should be referenced. T. Schuenke stated the State Statute is referenced and it explains the 10 year limitation. Common Council members thanked Administrator Schuenke for his work on this policy.

**L. MORRISON MOVED TO ADOPT CITY OF DELAFIELD SPECIAL ASSESSMENT POLICY AS AMENDED. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Mayor's Report

7. New Business

- a. Discussion and action to appoint alternate members to the Lake Country Fire Board.

G. MacDougall stated the Lake Country Fire Board has two appointees from each of the three communities. To make quorum, there must be four members present. In order to vote on anything, there needs to be one member from each community. There will be times when quorums are met but voting requirements are not. He suggests the positions of Mayor and Village Presidents be appointed as alternate members. Current Fire Board members are as

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follows: Gordon Gunnlaugsson – Chenequa, Jeff Krickhahn – Delafield, Gerry MacDougall – Delafield, Rod Stotts – Nashotah, Theresa Urbanchek – Nashotah and Susan Wilkey – Chenequa.

**G. MACDOUGALL MOVED TO APPOINT THE MAYOR'S POSITION AS THE ALTERNATE TO THE LAKE COUNTRY FIRE BOARD. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. Discussion of Tree Preservation.

B. Leonard she is concerned about the clear cutting of trees on the lake lots that are being redeveloped. The current ordinance only regulates new lots. E. McAleer suggested this be deferred to the Plan Commission.

8. Administrator's Report

a. Report of City Officials

i. Administrator

a. Building Project Update.

T. Schuenke stated the demolition of the old City Hall has gone along just fine and they should be finished this week. Work has started on the interior of the remaining building. Work is also almost complete on the soil remediation at the site. One problem we did encounter with the soil remediation is the discovery of a leaking underground storage tank (LUST) which we did not know about or have any record of. The LUST was discovered during the excavation and it involves a 300-500 gallon fuel tank which was about  $\frac{3}{4}$  full of petroleum product (presumably diesel fuel). We think it may be the source of the contamination, though we cannot be sure of that. The estimated cost for the removal and additional cleanup is \$13,000. We have applied for an amendment to our grant and have been notified by DNR they will increase our grant amount to \$10,350. Thus, the additional cost is about \$2,650. T. Schuenke pointed out that Yaggy/Colby did an excellent job dealing with this. The issue was dealt with a manner which caused no delay and they are the ones who helped us get additional funding from the DNR.

Change Orders. A summary of the change orders is in the packets. There are 18 and none are greater than \$25,000. In total they represent \$17,417 and they are the kind so things you might expect at the end of the project.

Project Budget. The project budget summary is attached. It shows a remaining contingency of \$287,050.

ii. Clerk-Treasurer

a. Elections, 2010 Communicator Schedule and Laserfiche Conference.

G. Gresch stated the Waukesha County Clerk has confirmed that there will not be a February Primary for the City of Delafield. The April Election for local offices has the following ballot:

- Mayor: Ed McAleer
- District 2: Beth Leonard
- District 4: Michele DeYoe
- District 6: Lynn Morrison & Jim Shanklin (In that order)

G. Gresch also stated the 2010 Communicator schedule has been set and asked the Common Council to please let me know which issue each Alderperson would

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like to submit an article for. Also, last week she attended the Laserfiche Conference. Laserfiche is software the City has for digitally storing and retrieving records. She stated she learned that we can be doing much more with our software and they offer add-ons such as Agenda Manager, Workflow and Records Management Edition.

iii. Council requests of future agenda items - NO DISCUSSION OF REQUESTED ITEMS.

9. Financial Report

a. Approve Voucher List.

**L. MORRISON MOVED TO APPROVE THE VOUCHER LIST AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. December 2009 Treasurer's Report.

**L. MORRISON MOVED TO APPROVE THE DECEMBER 2009 TREASURER'S REPORT AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

10. Correspondence

a. Focus Newsletter.

b. Yaggy Colby Green Tier Open House Invitation.

11. Adjournment

**L. MORRISON MOVED TO ADJOURN THE JANUARY 18, 2010 COMMON COUNCIL MEETING AT 8:08 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:



Gina C. Gresch, MMC/WCPC  
City of Delafield Clerk-Treasurer  
Waukesha County